

REMARKS

This is in response to the Official Action mailed October 22, 2003 for the above-captioned application. No fees are believed to be do with the response, however, the Commissioner is authorized to charge any fees deemed do to Deposit Account 07-0862.

The Examiner rejected claims 23 and 24 under 35 USC § 112, second paragraph. The rejection and claims have been reviewed and per the Examiner's suggestion, claim 23 has been canceled. Further, claim 24 has been amended to depend on claim 22. It is believed that these changes will overcome this rejection.

The Examiner rejected claims 1-18, 20-24, and 26-28 as being unpatentable under 35 U.S.C 103(a) over US Patent No. 6,136,441 of MacGregor et al. in view of US Patent 4,788,249 of Maresca et al.

As the Examiner acknowledged in the rejection of the claims as obvious, MacGregor et al. does not disclose the "substrate" (as used in the present application) containing an impact modifier but does disclose that the injection molded resin material ("resin" or "base" material as used in the present application) can contain an impact modifier. This is not the invention of the present application. The present application claims that an impact modifier must be included in the decorative substrate layer to improve the impact resistance of the formed article, not within the injection molded material.

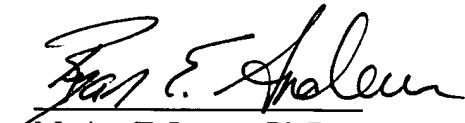
Examiner inappropriately attempts to combine Maresca et al. with MacGregor to show that the combination of the references would render the present application obvious. First of all there must be a suggestion in the references for such combination. "[O]bviousness is tested by what the combined teachings would have suggested... but it cannot be established by combining teachings ... absent some teaching or suggestion supporting the combination." In re Fine, 5 U.S.P.Q. 2d 1596 (Fed. Cir. 1988). Further, "Citing references which merely indicate the isolated elements ... are known is not a sufficient basis for concluding that the combination of elements would have been obvious." Ex Parte Hiyamizu, 10 USPQ 2d 1393 (POBAI 1988). Here, there is no suggestion that any such combination be attempted. MacGregor only discloses the potential use of an impact modifier in the injection molded material not in the substrate.

Even if a combination of the references were proper, the combination would not render the present application obvious. Examiner states that Maresca discloses that it is known to include impact modifiers as well as stabilizers and pigments in compositions containing cycloaliphatic polyesters which are used as films. However, one skilled in the art would realize that Maresca's blend of materials are not suitable for use in the present invention. After reviewing Maresca, one skilled in the art would realize that the cycloaliphatic polyester films and impact resistant materials of Maresca would render MacGregor's formed article opaque and non-transparent. It is an aspect of the present invention that this not be the case. The present invention is directed to substantially transparent formed material. Thus the selection of an impact modifier and the cycloaliphatic polyester resin of the substrate as well as the selection of the injection molded material must render the formed article substantially transparent. This is simply not the case with Examiner's combination of references.

Applicant has amended claims 1, 5, 6, 8, 9, and 20, in an attempt make this distinction between the references and the present invention more apparent. The amendments made to these claims are to further demonstrate the present invention, namely, that the substrate is substantially transparent, the cycloaliphatic film is substantially transparent, and the base product is substantially transparent, thus forming a molded article that is substantially transparent.

For the foregoing reasons, Applicants submit that all of the pending claims are now in form for allowance. Favorable reconsideration is respectfully urged.

Respectfully submitted,



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